IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

LA.App..No. 994 of 2007()

LAR.201/1994 of PRINCIPAL SUB COURT,KOLLAM
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APPELLANTS: CLAIMANTS
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1. RAGHAVAN RAJENDRAN, KALEELUVILA PUTHUVAL
SUGATHALAYAM, PEZHUMTHURUTH, MANDROTHURUTHU.

2. PANKAJAKSHI SARASAMMA,
KALEELUVILA PUTHUVAL,
SUGATHALAYAM, PEZHUMTHURUTH,
MANDROTHURUTHU.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS: RESPONDENT

THE STATE OF KERALA,
REPRESENTED BY THE LAND ACQUISITION OFFICER
AND SPECIAL TAHASILDAR (LA) RAILWAYS NO.1,
KOLLAM.

BY GOVT. PLEADER SRI.L.G.SURESH BABU.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

L.A.A.No.994 of 2007

Dated this the 23rd July, 2007.

J U D G M E N T

Heard. Admitted. The appeal itself is heard and disposed of.

2. The land belonging to the petitioners were acquired for a public purpose. Dissatisfied by the quantum of compensation awarded, they filed a petition under Section 18 of the Land Acquisition Act claiming enhancement. The matter was referred to the Sub Court, Kollam, as L.A.R.No.201/1994.

3. When the case came up for trial in the special list on 16.8.2002, appellants were absent. Hence, the Reference Court closed the reference stating that no material was brought before that Court to interfere with the awarded passed by the Land Acquisition Officer. Considering all the aspects of the matter, I am of the view that one more opportunity can be given to the appellants to prove their claim. But they cannot be allowed to take advantage of the delay which occurred due to their own mistake. I make it clear that no interest can be awarded to the appellants from 16.8.2002 till today.

In the result, the Land acquisition Appeal is allowed. The judgment passed by the Sub Court, Kollam, confirming the award of the Land Acquisition Officer is hereby set aside. L.A.R.No.201/1994 is restored to its file. The Sub Judge is directed to take L.A.R.20/1994 back to file and dispose of the same afresh, after giving a reasonable opportunity to both sides to adduce evidence. I also make it clear that in case any enhancement is awarded, the appellants will not be entitled to get statutory interest on any amount from 16.8.2002 till today.

K.PADMANABHAN NAIR,
JUDGE

nj.